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**F I L E D**

Clerk of the Superior Court

FEB 24 2006 <sup>AS</sup>

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By: K SANDOVAL, Deputy

Attorneys for Defendant  
Aquila Merchant Services, Inc.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

Coordination Proceedings Special Title (Rule  
1550(b))

JCCP Nos. 4221, 4224, 4226, and 4228

IN RE NATURAL GAS ANTI-TRUST CASES  
I, II, III, IV

**STIPULATION REGARDING  
CONFIDENTIALITY AGREEMENT AND  
PROTECTIVE ORDER; AND  
PROPOSED ORDER**

This Document Relates To:

All Price Indexing Cases

Defendants AEP Energy Services, Inc. Aquila Merchant Services, Inc., Aquila, Inc., Brian  
Bates, Cantera Gas Company, Cantera Natural Gas, Inc. (f/k/a CMS Field Services), CenterPoint  
Energy, Inc., CMS Energy Corporation, CMS Energy Resources (f/k/a CMS Marketing Services  
& Trading), Coral Energy Resources, L.P., Duke Energy Trading and Marketing, L.L.C., Duke  
Energy North America, LLC, Duke Energy Field Services, LP, Duke Energy Corporation, Dynegy  
Inc., Dynegy Marketing and Trade, Dynegy Power Marketing, Inc., EnCana Corporation, Reliant  
Energy Services, Inc., Reliant Energy, Inc., Reliant Resources, Inc., San Diego Gas and Electric  
Company, Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Company,  
TXU Corporation, TXU Energy Services, TXU Energy Trading Company, WD Energy Services,  
Inc. (f/k/a EnCana Energy Services, Inc.), West Coast Power, LLC, Williams Companies, Inc.,  
Williams Energy Marketing and Trading Company, Williams Power Company, Inc., Kathleen M.

1 Zanaboni and each of their counsel (collectively, "Defendants"), all plaintiffs named in the Natural  
2 Gas Anti-Trust Cases I, II, III and IV, pending in the Superior Court of the State of California,  
3 County of San Diego, Judicial Council Coordinated Proceeding Nos. 4221, 4224, 4226, and 4228  
4 (the "Litigation") and each of their counsel (collectively, "Plaintiffs"), and (3) third party E. & J.  
5 Gallo Winery and its counsel ("Gallo"), hereby stipulate as follows:

6 WHEREAS, on November 15, 2005, the Honorable Ronald S. Prager entered the  
7 Confidentiality Agreement and Stipulated Protective Order ("Protective Order") in the Litigation;

8 WHEREAS, on or about January 19, 2006, Defendants issued a Deposition Subpoena for  
9 Production of Business Records ("Subpoena") to Gallo;

10 WHEREAS, Gallo believes that the Subpoena calls for confidential, proprietary, and/or  
11 commercially sensitive information;

12 NOW, THEREFORE, Defendants, Plaintiffs and Gallo stipulate as follows:

13 1. Gallo will be a party to the Protective Order as of the date the Court enters the  
14 Order.

15 2. The Protective Order shall govern the use of all "Protected Material," as defined in  
16 the Protective Order, that Gallo produces in the Litigation. By entering into the Protective Order,  
17 Gallo does not waive or release any rights to object to the Subpoena, other discovery, or to the  
18 use/disclosure of Protected Materials on any ground.

19 3. The Protective Order shall remain in effect unless specifically modified or  
20 terminated by the parties to the litigation, or by Gallo, or by order of the Judge assigned to hear the  
21 Litigation (the "Court"), provided, however, that all obligations to return, destroy, or otherwise  
22 maintain the Protected Materials in confidence shall survive the termination of the Protective  
23 Order.

24 4. All other terms of the Protective Order shall remain in full force and effect.

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1 SO STIPULATED:

2 Dated: February 17, 2006

LEBOEUF, LAMB, GREENE &amp; MACRAE LLP

3  
4 By: 

Seth W. Wiener

As Authorized for Defendants

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7 Dated: February 17, 2006

COTCHETT, PITRE, SIMON &amp; MCCARTHY

8  
9 By: 

Steven N. Williams

As Authorized for Plaintiffs Association of Bay Area  
Governments; County of Alameda; School Project for  
Utility Rate Reduction; City of Los Angeles; City of San  
Diego; County of San Diego; City and County of San  
Francisco; County of Santa Clara; County of San Mateo;  
City and County of San Francisco; County of Santa  
Clara; County of San Mateo; Regents of the University of  
California; Sacramento Municipal Utility District;  
TAMCO; Owens-Brockway Glass Container, Inc.; and  
Nurseryman's Exchange, Inc.10  
11  
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14  
15  
16 Dated: February 17, 2006

LIEFF, CARRASER, HEIMANN &amp; BERNSTEIN, LLP

17  
18 By: 

Barry R. Himmelstein

As Authorized for Plaintiffs A.L. Gilbert Company; Mark  
and Susan Benscheldt; Celina Martinez; David C. Brown;  
H&M Roses, Inc.; Laurence Uyeda; Lois the Pie Queen;  
Obert Wholesale Foods, Inc.; Dan L. Older; Craig  
Podcsta; Shanghai 1930 Restaurant Partners, L.P.;  
Haleema Silverman; Lynette Stevenson; Tom Stevenson;  
Team Design; and Vitace Corporation19  
20  
21  
22  
23  
24 Dated: February 17, 2006

COTCHETT, PITRE, SIMON &amp; MCCARTHY

25  
26 By: 

Steven N. Williams

As Authorized for Third Party E. &amp; J. Gallo Winery

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STIPULATION REGARDING PROTECTIVE ORDER; AND PROPOSED ORDER

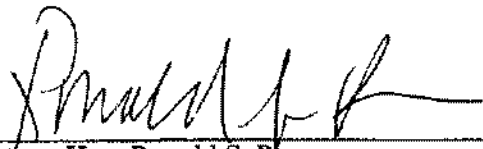
1 SO ORDERED:

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3 Dated: FEB 24 2006

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By:   
Hon. Ronald S. Prager  
Judge of the Superior Court of California,  
County of San Diego

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